

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

MERRY F. SHANE, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

v.

AMCORE FINANCIAL, INC., JOHN A.
HALBROOK, FREDERICK D. HAY, STEPHEN
S. ROGERS, JOHN W. GLEESON, WILLIAM R.
MCMANAMAN, JACK D. WARD, PAULA A.
BAUER, PAUL DONOVAN, TERESA
IGLESIAS-SOLOMON, JUDITH CARRE
SUTFIN, DONALD H. WILSON, and DOES 1-
20,

Defendants.

Civil Action No.: 3:10-cv-50089
(Consolidated with Civil Action No.
3:10-cv-50132)

**DECLARATION OF EDWARD W. CIOLKO IN SUPPORT OF PLAINTIFFS
MICHELLE KRETSINGER AND KEITH KRETSINGER'S MOTION FOR
APPOINTMENT OF INTERIM CLASS COUNSEL**

I, Edward W. Ciolko, declare:

1. I am a partner at Barroway Topaz Kessler Meltzer & Check, LLP, counsel of record for Michelle Kretsinger and Keith Kretsinger. I make this declaration in support of the Motion by Michelle Kretsinger and Keith Kretsinger for Appointment of Interim Class Counsel.

2. Attached hereto as Exhibit A is a true and correct copy of Plaintiffs' letter to Defendant Amcore Financial, Inc. requesting documents pursuant to ERISA § 104(b)(4), dated May 25, 2010.

3. Attached hereto as Exhibit B is a true and correct copy of Plaintiffs' letter to Defendants regarding the need to preserve all potentially relevant evidence, including electronically stored information, dated May 24, 2010.

4. Attached hereto as Exhibit C is a true and correct copy of Defendants' letter in response to Plaintiffs' letter regarding preservation of documents, dated July 7, 2010.

5. Attached hereto as Exhibit D is a true and correct copy of Plaintiffs' letter in response to Defendants' request for confirmation that Plaintiffs had also preserved all potentially relevant evidence, including electronically stored information, dated July 16, 2010.

6. Attached hereto as Exhibits E through H are true and correct copies of the four (4) Freedom of Information Act Requests for Records pursuant to the Freedom of Information Act, 5 U.S.C. § 552 sent to the Office of the Comptroller of Currency dated May 27, 2010.

7. Attached hereto as Exhibit I is a true and correct copy of the August 2, 2010 response letter from the Office of the Comptroller of Currency.

8. Attached hereto as Exhibit J is a true and correct copy of the August 4, 2010 response letter from the Office of the Comptroller of Currency.

9. Attached hereto as Exhibit K is a true and correct copy of Plaintiffs' letter to the U.S. Department of Labor dated June 8, 2010, enclosing the Complaint in this matter pursuant to ERISA § 502(h).

10. Attached hereto as Exhibit L is a true and correct copy of Plaintiffs' letter to the U.S. Department of Treasury dated June 8, 2010, enclosing the Complaint in this matter pursuant to ERISA § 502(h).

11. Attached hereto as Exhibit M is a true and correct copy of the firm biography of Barroway Topaz Kessler Meltzer & Check, LLP.

12. Attached hereto as Exhibit N is a true and correct copy of *In Re: Bear Stearns Companies, Inc. Securities, Derivative, and Employee Retirement Income Security Act (ERISA) Litig.*, 08 M.D.L. No. 1963, 2009 WL 50132 (S.D.N.Y. Dec. 29, 2008).

13. Attached hereto as Exhibit O is a true and correct copy of the transcript of the Final Fairness Hearing in *In re Westar Energy ERISA Litig.*, No. 03-CV-4032-JAR (D. Kan. July 27, 2006).

14. Attached hereto as Exhibit P is a true and correct copy of the transcript of the Final Fairness Hearing in *In re Mirant Corp. ERISA, et al.*, No. 1:03-cv-1027-RWS (N.D. Ga. Nov. 16, 2006).

15. Attached hereto as Exhibit Q is a true and correct copy of the transcript of the Final Fairness Hearing in *In re Honeywell ERISA Litig.*, No. 03-CV-01214-DRD (D.N.J. July 19, 2005).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 18, 2010.

/s/ Edward W. Ciolko
Edward W. Ciolko

CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2010, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct.

/s/ Edward W. Ciolko
Edward W. Ciolko